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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR
THE ELABORATION OF AN INTERNATIONAL CONVENTION
TO COMBAT DESERTIFICATION IN THOSE COUNTRIES
EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA
Seventh session
Nairobi, 7-18 August 1995
Agenda item 2

DESIGNATION OF A PERMANENT SECRETARIAT AND ARRANGEMENTS FOR ITS FUNCTIONING

Note by the Secretariat

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I. INTRODUCTION

1. In its resolution entitled "Work Programme for the Interim Period" adopted at the sixth session (document A/AC.241/L.24), the INCD decided to allocate to Working Group I the question of making recommendations to the Conference of the Parties on the designation of a Permanent Secretariat and arrangements for its functioning. In the same resolution, the Committee further requested the Secretariat to prepare a document on this question with a view to facilitating the deliberations of the Committee at the seventh session.

2. The present note was prepared by the Secretariat in response to this request. It briefly reviews the actual arrangements relating to the Interim Secretariat and considerations relevant to the transition from the Interim Secretariat to the Permanent Secretariat. It provides preliminary considerations concerning options available to the Conference of the Parties in reaching a decision on an institutional framework for the Permanent Secretariat, in making related financial and staffing arrangements for it and in selecting its physical location. Finally, the note suggests a possible course of action for further examination of this matter by the Committee at its eighth session.

II. DECISIONS REQUIRED

3. Article 23 of the Convention provides for the establishment of a Permanent Secretariat, lists its functions and stipulates that "the Conference of the Parties, at its first session, shall designate a Permanent Secretariat and make arrangements for its functioning."

4. The designation of a Permanent Secretariat raises two basic issues. The first is the institutional arrangements for its functioning, including possible administrative linkages to an existing organization or organizations. The second is its physical location. While related, these two issues are distinct to the extent that a decision on one of them does not necessarily affect the other.

III. PRESENT SITUATION

5. Article 35 of the Convention provides that the functions of the Permanent Secretariat referred to in article 23 are to be carried out on an interim basis by the Secretariat established pursuant to General Assembly resolution 47/188 (the "Interim Secretariat"), until the completion of the first session of the Conference of the Parties.

6. Institutionally, the Interim Secretariat is part of the United Nations (UN) Secretariat. It is attached to the Department of Policy Coordination and Sustainable Development (DPCSD). It is administered under United Nations staff rules and financial regulations.

7. Administratively, the Executive Secretary reports to the Under-Secretary-General for Policy Coordination and Sustainable Development. However, policy guidelines for the work of the Interim Secretariat are provided by the INCD and by relevant resolutions of the General Assembly.

8. The core staff and operating expenses of the Interim Secretariat are funded by the regular budget of the United Nations. These expenses appear under the subprogramme "Combatting desertification, particularly in Africa", in the section of the budget covering DPCSD. Additional staff are provided by the World Meteorological Organization (WMO) and the Food and Agriculture Organization (FAO). The balance of the Interim Secretariat's budget, including bilateral staffing arrangements, is funded by voluntary extrabudgetary contributions.

9. The Interim Secretariat is located on United Nations premises in Geneva. Its current office space is provided free of charge by the Swiss Government. It has access to United Nations conference services within the limits of the United Nations regular budget and calendar of conferences.

10. Administrative support, provided by DPCSD, as well as communications and computer networks, have been shared with the Climate Change Secretariat, and will be shared until 1 January 1996, when it moves to Bonn under new arrangements. The Interim Secretariat also benefits from its co-location with the Geneva Regional Office of the United Nations Environment Programme (UNEP), including through access to its information unit and other facilities.

11. The substantive work of the Interim Secretariat is enhanced by the physical proximity of personnel from other secretariats, as well as intergovernmental and non-governmental organizations, particularly with respect to the preparation of documentation for the sessions of the Committee.

IV. TRANSITION TO THE PERMANENT SECRETARIAT

12. In accordance with article 35 of the Convention, the Interim Secretariat is to function until the completion of the first session of the Conference of the Parties. However, some time will be needed beyond that session to set up new institutional arrangements, to arrange for funding on a new basis, to secure adequate premises and to mobilize staff for the Permanent Secretariat. This would be so even if, in the simplest of cases, the Permanent Secretariat were to be set up within the United Nations in Geneva, on the foundations of the Interim Secretariat.

13. Normal practice would be to begin new arrangements at the beginning of the calendar year following the first session of the Conference of the Parties or as soon as possible thereafter in that year.

V. OPTIONS FOR THE PERMANENT SECRETARIAT

14. In designating a Permanent Secretariat, the overriding preoccupation of the Parties will be to make a decision conducive to the effective implementation of the Convention and to the achievement of its objectives. The Parties will also wish to ensure the substantive autonomy of the Permanent Secretariat with respect to any institutions providing administrative support, so that it can be fully responsive to the policy guidelines of the Conference of the Parties.

15. In making practical arrangements for the functioning of the Permanent Secretariat, the Parties will consider a number of related factors, such as costs, means of financing, administrative efficiency and managerial effectiveness.

Committee members may wish to keep these factors in mind when considering the following issues.

A. Institutional arrangements

(1) Basic approach

16. Once it enters into force, the Convention, with its organs, will constitute a new international entity, with its own legal personality. It would be possible for the Conference of the Parties to designate a free-standing Permanent Secretariat, that is one which independently provides all of its own administrative support and services. This could, conceivably, enhance the political visibility of the Convention. However, for a small organization, it would entail financial and management disadvantages. The major drawbacks are high administrative costs and overheads, such as the need for separate pension and benefit systems, and restricted or costly access to services, including conference services.

17. Such considerations, among others, have generally led the governing bodies of conventions to establish administrative linkages of various sorts between their secretariats and existing institutions. Secretariats can and do, however, provide many administrative services on their own. This sometimes occurs under delegation of authority from organizations providing administrative support, as will likely be the case with the secretariat of the Climate Change Convention.

(2) Nature of administrative arrangements

18. Should it be decided to establish an administrative umbrella for the Permanent Secretariat in collaboration with an existing organization or organizations, the Conference of the Parties would have to enter into agreements covering administrative and operational support that the Permanent Secretariat cannot provide for itself. The following are the major types of support activities and services that might need to be covered in such arrangements:

(a) administration of funds to receive contributions and to finance the activities of the Conference of the Parties, its subsidiary bodies and the Permanent Secretariat;

(b) disbursement, accounting, auditing and other financial services;

(c) provision, maintenance and security of office space;

(d) procurement, transportation and travel services;

(e) recruitment and other personnel services, including the administration of staff benefits;

(f) communications facilities and information management, including administration of internal computer networks and access to external ones;

(g) services from an organization's field offices, such as facilitation of travel of developing country delegates to meetings of the Conference of the Parties; and

(h) interpretation, translation, documentation and other conference services for sessions of the Conference of the Parties.

(3) Possible institutional linkages

19. There are precedents in the functioning of the secretariats of various environmental conventions for a wide variety of administrative arrangements with organizations of many types. The Secretariat can provide information to the Committee on them if it desires. The organizations from which the Permanent Secretariat could draw administrative support and services include:

(a) the administrative and conference service departments of the United Nations Secretariat at various UN headquarters;

(b) a substantive department of the United Nations Secretariat, such as DPCSD;

(c) a United Nations Programme, such as the United Nations Development Programme (UNDP) or the United Nations Environment Programme (UNEP);

(d) a specialized agency of the United Nations system, such as FAO, WMO, the International Fund for Agricultural Development (IFAD) or the United Nations Educational, Scientific and Cultural Organization (UNESCO); and

(e) an organization outside the UN system, whether governmental or non-governmental, such as the World Conservation Union (IUCN).

20. It would be possible for the Permanent Secretariat to receive all, or the bulk, of its outside administrative support, from a single institution, as a number of convention secretariats do from UNEP. It is equally possible, however, to draw support from a variety of sources, choosing among them to maximize the efficiency and minimize the cost of outside services provided. For example, pursuant to a decision of the first session of the Conference of the Parties of the Framework Convention on Climate Change, the functioning of the Climate Change Secretariat will be provided for in the second fashion. Under an overall agreement between the UN Secretary General and the Climate Change COP, the Climate Change Secretariat will provisionally receive administrative support from the United Nations without being fully integrated in the work programme and management structure of any particular programme. It will then enter into separate agreements with the UN Secretariat and other organizations of the UN system to receive administrative, conference and other services it cannot provide for itself.

21. It should be emphasized that the Permanent Secretariat, in carrying out its mandate as the "facilitator" of consultative processes and other implementation activities of the Convention, will have to establish a balanced substantive relationships with all international institutions concerned with combatting desertification. It will also have to collaborate with the secretariats of related conventions pursuant to article 14 of the Convention. This will be true irrespective of the administrative arrangements for its functioning.

(4) Cost-sharing

22. The Parties to a Convention are responsible for meeting its operating costs. However, in drawing administrative support from an existing institution or institutions, it may be possible for the Conference of the Parties to negotiate arrangements for sharing the costs of the Convention process. A variety of costs might be absorbed in kind, in whole or in part, by organizations providing administrative support to the Permanent Secretariat. They could include:

(a) the costs of services that organizations offer in areas such as finance, personnel and public information;

(b) the expenses of holding and servicing meetings of the Conference of the Parties; and

(c) the salaries and operating costs of the Permanent Secretariat.

23. An organization providing administrative support could also be of assistance in establishing a financial "safety net" for the Permanent Secretariat in the form of temporary advances to cover possible income shortfalls. This could reduce the size of any cash reserve from contributions that the Conference of the Parties decided to establish. In a similar way, a concerned organization might be able to provide guarantees allowing the Permanent Secretariat to establish financial obligations beyond the period for which contributions were available. This would, for example, enable members of the Permanent Secretariat to be retained with longer-term contracts.

24. These matters are also examined in document A/AC.241/35 on financial rules.

(5) Staffing considerations

25. Within the context of administrative arrangements for the Permanent Secretariat, it may be necessary to make provisions for the Conference of the Parties to express its views on certain aspects of staffing arrangements. An issue likely to be of particular concern to the Conference of the Parties is the determination of requirements for the post of head of the Permanent Secretariat, including the suggested level of the post and its term of office, as well as the role of the Conference of the Parties in his or her nomination or appointment.

(6) Criteria for making administrative arrangements

26. Institutions that might provide an administrative umbrella for the Permanent Secretariat could be consulted in order to determine their interest in, and capacity for, doing so. Committee members may wish to evaluate offers from institutions, and subsequently make recommendations to the Conference of the Parties by reference to key criteria. A tentative list of such criteria is found in Annex I. It is based on similar lists drawn up in the context of the conventions on climate change and biological diversity.

B. Physical location

27. In addition to a decision on administrative support for the Permanent Secretariat, the Conference of the Parties will be required to decide, at its first session, on its physical location.

28. As previously mentioned, the Interim Secretariat is currently located in Geneva together with some other convention secretariats, including several attached to UNEP. However, a number of INCD members may wish to propose other suitable locations and desirable conditions for hosting the Permanent Secretariat. Several have expressed interest in this regard during the negotiating process of the Convention. The Committee may wish to examine the relative economic and operational merits of the locations and premises of any such proposals in order to be in a position to make a recommendation to the Conference of the Parties. Annex II provides a tentative list of elements of information which might be requested from interested governments. It is based on experience of a similar process in the framework of the conventions on climate change and biodiversity.

C. Policy guidelines for the Permanent Secretariat

29. Whatever the institutional arrangements adopted, policy guidelines for the Permanent Secretariat will be derived from the Convention and from the decisions of the Conference of the Parties and its subsidiary bodies.

VI. POSSIBLE ACTION BY THE COMMITTEE

30. The Committee may wish to give guidance to the Interim Secretariat on the further exploration of preferred options for the Permanent Secretariat.

31. With respect to possible provisions for administrative support, the Committee could invite relevant organizations, by a certain date, to express and justify their interest in providing such support. In doing so, they would provide as much information as possible on types of administrative services they might offer, conditions that would apply and advantages that could be derived. The written contributions of interested organizations could be based on the tentative list of criteria provided in Annex I.

32. Similarly, with respect to the physical location, the Committee could invite interested countries to provide detailed information on the conditions and advantages attached to their offers, with special focus on items tentatively listed in Annex II.

33. The Secretariat could then be requested to compile offers on administrative support and physical location and submit them to the Committee for consideration at its eighth session.

ANNEX I

Categories of information which might be requested from relevant international organizations with a view to arranging administrative support

General benefits

1. Relevance of the mandate, general objectives and activities of organizations to the objectives of the Convention

2. Past involvement of organizations with the development of the Convention and activities related to it

3. Context which the organizations would offer for establishing effective relationships with other conventions and other international institutions

4. Any other general benefits to be derived

Organizational and administrative arrangements

5. The process for the Conference of the Parties entering into agreements with organizations, including nature, form and timing

6. Administrative infrastructure available in organizations to support the Permanent Secretariat and activities of the Conference of the Parties, including personnel, financial, communications, information management and conference services frameworks

7. Adjustments to normal organizational and administrative arrangements possible to preserve the autonomy of the Conference of the Parties and the Permanent Secretariat, including:

   (a) a distinct status for the Permanent Secretariat

   (b) appropriate financial procedures, particularly those relating to contributions by Parties and administration of funds

   (c) appropriate personnel procedures, including for recruitment and appointment of senior staff

8. Possible arrangements for sharing different categories of costs between organizations and the Parties to the Convention and charges for services not absorbed by the organization's budget

9. Feasibility of advances through the budgetary processes of organizations to guarantee the Permanent Secretariat's cash flow and allow it to enter into necessary long-term commitments

10. Administrative and financial framework, if any, for linkage with other convention secretariats

11. Impact, if any, of location of Permanent Secretariat on substantive and administrative linkages possible between it and the organization

ANNEX II

Categories of information which might be requested from countries interested to host the Permanent Secretariat

Legal framework

1. Privileges and immunities which would be conferred on the Permanent Secretariat and its staff members

2. Rules, including any restrictions, applicable to the employment of dependents of staff members

3. Nature of Headquarters agreement, if needed

Features of the office site and related financial issues

4. Main features of the building to house the Permanent Secretariat, including office space, facilities for conference and availability of general services (security, maintenance, etc)

5. Basis for placing the office facilities at the disposal of the Permanent Secretariat, such as:

   (a) ownership by the Permanent Secretariat (through donation or purchase)

   (b) ownership by the host government without rent

   (c) host Government ownership with rent and amount of such rent

6. Responsibility for:

   (a) major maintenance and repairs to the office facilities

   (b) normal maintenance and repair

   (c) utilities, including communication facilities

7. Extent to which the office facilities would be furnished and equipped by the host Government

8. Duration of the arrangements regarding office space

Local facilities and conditions

9. Description of the following facilities and conditions:

   (a) diplomatic representation in the host city

   (b) presence of international organizations

(c) international transport and travel facilities

(d) local transport facilities

(e) local availability of trained personnel for possible employment in the Permanent Secretariat, taking account of language and other skills

(f) health facilities and access to them by staff members of the Permanent Secretariat

(g) availability of suitable housing

(h) availability of schools at all levels, including in languages other than local language, if any

(i) facilities for transfer of funds to and from foreign countries for the Permanent Secretariat and its staff members

Other relevant information

10. Any additional contributions to be made by the host Government to meet the operating costs of the Permanent Secretariat or to defray conference service expenses

11. Any other information which the potential host country may deem relevant

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DRAFT FINANCIAL RULES OF THE CONFERENCE OF THE PARTIES, ITS SUBSIDIARY BODIES AND THE PERMANENT SECRETARIAT

Note by the Secretariat

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I. INTRODUCTION

1. At its sixth session, the INCD adopted a resolution on the organization and programme of work for the interim period (document A/AC.241/L.24). Paragraph 1(a) of that resolution allocated to Working Group I the responsibility for carrying out preparatory work for the Conference of the Parties on, *inter alia*, the issue of financial rules.

2. Paragraph 4 of the same resolution requested the Interim Secretariat to prepare a document on the financial rules with a view to facilitating INCD deliberations at the seventh session. The Committee's request was made against the background of article 22, subparagraph 2(e) of the Convention which requires the Conference of the Parties (COP) to agree upon and adopt, by consensus, financial rules for itself and any subsidiary bodies.

3. In response to the Committee's request, the Interim Secretariat prepared this note accompanied by an annex containing a proposed draft of the financial rules. The present document should be read in conjunction with document A/AC.241/34 on the designation of the Permanent Secretariat and document A/AC.241/36 on the Programme of Work and Budget.

4. The note briefly provides the necessary explanatory background for the draft financial rules, which were largely derived from well-known precedents and practices in other environmental conventions. The latter include the financial rules of: the United Nations Framework Convention on Climate Change (Climate Change Convention), the Convention on Biological Diversity (Biodiversity Convention), the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention), the Vienna Convention for the Protection of the Ozone Layer (Vienna Convention) and its Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention). The Interim Secretariat also consulted closely with staff members of some of the conventions concerned.

5. The proposed financial rules are drafted on the assumption that there will be an institution (referred to in the draft rules as the "relevant institution") providing financial management services to the Permanent Secretariat.

6. The draft rules attempt to cover financial aspects that could apply irrespective of, and without prejudice to, decisions the Conference of the Parties (COP) ultimately takes with regard to:

(a) the physical location of the Permanent Secretariat; and

(b) the relevant institution.

II. FINANCIAL PERIOD

7. Budget estimates are usually prepared for two years, a biennium, under the United Nations system. Draft rule 2 is framed accordingly. The Committee may wish to consider the desirability of estimates for longer periods, for example two bienniums. This would facilitate financial planning, particularly if the funds established pursuant to draft rules 7,9 and 10 were set up for a similar period. Several related conventions (CITES and the Vienna Convention) use financial periods longer than a biennium. However, in the early years of Convention implementation, there might be dangers in using a longer period due to insufficient experience in making accurate long-term projections.

III. BUDGET

8. Upon the entry into force of the Convention, the COP, as the supreme body and a distinct legal entity, will adopt a Convention budget. This budget will project expenditures for sessions and activities of the COP and its subsidiary bodies, as well as for the functions of the Permanent Secretariat.

A. Currency of denomination

9. A number of conventions' financial rules denominate budget estimates in United States dollars. However, this trend exposes Parties to the risks of currency fluctuations. The Committee might, therefore, wish to take account of currency fluctuations by choosing an appropriate convertible currency other than United States dollar to officially denominate budget estimates. Draft rule 3 so provides, following the precedent of the financial rules of the CITES Convention. Factors that would influence the currency choice include:

(a) the country where the Permanent Secretariat is located, since the bulk of its expenditures would probably be made in the currency of that country; and

(b) the procurement sources and other relevant procedures of the institution or institutions providing administrative and financial services to the Permanent Secretariat.

B. Method of adoption

10. The financial rules of some environmental conventions specify the voting majorities required in cases where consensus is not reached on financial questions, such as the adoption of a budget. The draft rules in the annex, taking a simpler approach, do not do so. This implies that the provisions of the rules of procedure of the COP regarding the majority required for decisions on substantive matters would apply. As the rules of procedure are presently drafted in document A/AC.241/38, this would mean that a two-thirds majority would be needed. In practice, this turns out to be the same majority specified in the financial rules of many conventions such as the Basel Convention, CITES and the Vienna Convention.

11. The COP might wish to consider other devices to facilitate approval of the budget. One possibility is an informal arrangement, not specified in the financial rules, whereby an ad hoc working group, would review administrative and budgetary proposals before they are considered by the COP. The COPs of the Climate Change Convention and the Basel Convention, for example, have used such a device.

C. Transfers between budget lines

12. Connected to the issue of budget approval is the consideration of transfers between budget lines. As a general rule, COPs of environmental conventions set limits for this type of transfer to ensure that the Parties' contributions are used for the purposes agreed upon. However, there may be a need to make provisions for unexpected circumstances requiring transfers beyond the limits. Prior authorization by the Bureau of the COP for such transfers is one way to accomplish this. The financial rules of both the Basel Convention and CITES employ such devices. Rule 6 in the annex, is drafted accordingly. Document A/AC.241/36 also deals with this issue from the standpoint of the budget's format.

IV. FUNDS

A. Types of funds

13. Standard practice for environmental conventions is to establish a set of funds, often referred to as general funds, trust funds or special funds, to which contributions are made and from which expenditures take place to finance various activities of the COP, its subsidiary bodies and the Permanent Secretariat. Normally, there is a general fund to receive contributions following a scale and a separate trust fund or funds, some of which could contain sub-accounts, to receive other contributions. Following the precedent of the INCD process, draft rule 10 also provides for a separate special fund to support the participation of developing country representatives in sessions of the COP and its subsidiary bodies.

B. Working capital reserve

14. The experience of other environmental conventions shows that temporary shortfalls of funds sometimes occur, because of Parties' internal procedures in making contributions, exchange rate fluctuations and other factors. This could endanger the continuity of activities carried out pursuant to the Convention. One remedy is to secure reimbursable advances from the institution providing financial management services to the Permanent Secretariat but, depending on the institution, this may not always be possible. Therefore, draft rule 8 provides for the establishment of a working capital reserve within the General Fund, following the recent precedent of the financial procedures of the Climate Change Convention. The reserve would be set by the COP as a percentage of expenditures during the financial period.

V. CONTRIBUTIONS

A. Scale of contributions

15. The scale for contributions to the regular budget of the United Nations is widely used as a basis for the scales of environmental conventions. The United Nations scale takes account of a number of economic and financial factors, including population and gross national product. That scale is fixed and reviewed periodically by the United Nations Committee on Contributions, which makes adjustments when there is a substantial change in the relative capacity of a country to contribute. The Committee on Contributions would also be able to provide a theoretical rate of contributions for those State Parties to the Convention that are not members of the United Nations but participate in its activities.

16. Draft rule 13 takes the United Nations scale as a basis with a few adjustments common in convention practice. One adjustment exempts Parties who would pay less than 0.01 percent of the total. This would avoid the substantial collection and processing costs incurred in gathering very small contributions.

B. Contributions not subject to scale

17. The draft rules provide for contributions not subject to the scale from Parties and a wide variety of other sources. Following common practice recently adopted in the financial rules of the Climate Change and Biodiversity Conventions, draft rule 15 allows donors to earmark such contributions for specific purposes through agreement with the head of the Permanent Secretariat.

18. Contributions outside the scale could be furnished from, *inter alia*, the government hosting the Permanent Secretariat, other governments, organizations as well as the institution or institutions providing administrative support to it. Such contributions could be in kind but in some cases could involve transfers to the Trust Fund or Special Fund established pursuant to draft rules 9 and 10. Document A/AC.241/34 discusses these matters in more detail.

C. Currency of Payment

19. Section III.A above raised the issue of denominating budget estimates in a currency that would minimize the effect of exchange fluctuations on them. A similar, and in some ways more serious, question arises with respect to the currencies in which contributions are denominated and paid. Depending on the currencies chosen, contributions could significantly fall short of, or exceed, budgeted expenditures as exchange rates change. Therefore, contributions would then be denominated in the same currency as budget estimates.

VI. ADMINISTRATIVE SUPPORT CHARGES

20. The institution providing financial management services to the Permanent Secretariat would incur administrative support costs. Reimbursement for such costs is often handled by taking out a fixed percentage of contributions.

However, the trend is increasingly for the COP to negotiate the amount of reimbursement with the relevant institution. Both the financial rules of the Biodiversity and the Climate Change Conventions allow for this. Draft rule 22 follows suit.

21. In matters not of direct concern to the Convention budget such as its approval and the determination of a scale for contributions, the financial rules of the institution providing financial management services will, as draft rule 1 indicates, generally apply. However, adjustments might have to be negotiated in some instances to preserve the autonomy of the COP or to reduce costs. The negotiation of reimbursement for support costs is one such case.

VII. TRANSITIONAL PERIOD

22. Should the COP meet for the first time late in a calendar year, there might be insufficient time before the start of the first financial period to put in place the institutional arrangements contemplated by the financial rules. At a later stage, the INCD might have to consider how to deal with this contingency. One possibility would be to temporarily channel contributions to, and make expenditures from, the two funds established pursuant to General Assembly resolution 47/188. Another possible source of temporary liquidity could consist of contributions from the government hosting the Permanent Secretariat.

VIII. OPTIONS FOR FUTURE CONSIDERATION

23. The Secretariat will need guidance on ways in which it can assist in preparing for further discussion of the financial rules in Working Group I at the eighth session of the INCD. If the Committee wished, the Secretariat could provide additional information or analysis on particular rules. It could also prepare a draft negotiating text reflecting the views, comments and proposals of delegations at the seventh session.

ANNEX

Financial Rules for the Conference of the Parties to the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, its subsidiary bodies and the Permanent Secretariat

Scope

1. The present rules shall govern the financial administration of the Conference of the Parties to the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, its subsidiary bodies and the Permanent Secretariat. In so far as not specifically provided by the present rules, the Financial Regulations and Rules of [the relevant institution] shall apply, unless the Conference of the Parties and the head of [the relevant institution] otherwise agree.

Financial Period

2. The financial period shall be a biennium, of which the first calender year shall be an even year.

The Budget

3. The head of the Permanent Secretariat shall prepare the budget estimates in [an appropriate convertible currency] showing projected income and expenditures for each year of the biennium concerned. For ease of reference, he or she shall also accompany the estimates with comparable indicative figures in United States dollars. He or she shall dispatch the estimates to all Parties to the Convention at least 90 days before the opening of the ordinary session of the Conference of the Parties at which the budget is to be adopted.

4. The Conference of the Parties shall, at an ordinary session, consider the budget estimates and adopt a budget prior to the commencement of the financial period that it covers.

5. Adoption of the budget by the Conference of the Parties shall constitute authority to the head of the Permanent Secretariat to incur obligations and make payments for the purposes for which the appropriations were approved and up to the amounts so approved, provided always that, unless specifically authorized by the Conference of the Parties, commitments shall be covered by related income.

6. The head of the Permanent Secretariat may make transfers within each of the main appropriation lines of the approved budget. He or she may also make transfers between such appropriation lines up to limits which the Conference of the Parties may set from time to time. For any transfers above the approved limits, the head of the Permanent Secretariat shall seek the prior authorization of the Bureau of the Conference of the Parties.

Funds

7. A General Fund for the Convention shall be established by the head of [the relevant institution] and managed by the head of the Permanent Secretariat. Contributions made pursuant to subparagraphs 12(a) shall be credited to the General Fund, and all expenditures made pursuant to paragraph 5 shall be charged to the General Fund.

8. There shall be established, within the General Fund, a working capital reserve maintained at a percentage of budget expenditures for a financial period. That percentage shall, periodically, be set by the Conference of the Parties. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of funds. Drawdowns from the working capital reserve shall be restored from contributions as soon as possible.

9. A Trust Fund shall be established by the head of [the relevant institution] and managed by the head of the Permanent Secretariat. The Trust Fund shall receive contributions pursuant to subparagraphs 12(b)and(c), other than those specified in paragraph 10.

10. A Special Fund shall be established by the head of [the relevant institution] and managed by the head of the Permanent Secretariat. The Special Fund shall receive contributions pursuant to subparagraphs 12(b)and(c), earmarked to support the participation of representatives of developing country Parties affected by desertification and/or drought, particularly the least developed among them, in the sessions of the Conference of the Parties and its subsidiary bodies.

11. In the event, the Conference of the Parties decides to terminate a fund established pursuant to the present rules, it shall so advise the head of [the relevant institution] at least six months before the date of termination so decided. The Conference of the Parties shall decide, in consultation with the head of [the relevant institution], on the distribution of any uncommitted balances after all liquidation expenses have been met.

Contributions

12. The resources of the Conference of the Parties shall comprise:

(a) annual contributions made by Parties to the Convention based on the scale set forth in the appendix to the budget;

(b) other contributions made by Parties in addition to those made pursuant to subparagraph(a);

(c) contributions from States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations, and other sources;

(d) the uncommitted balance of appropriations from previous financial periods attributed to the fund concerned; and

(e) miscellaneous income attributed to the fund concerned.

13. The Conference of the Parties shall determine the scale of contributions referred to in subparagraph 12(a). The scale shall be based on the United Nations scale of assessment as may be adopted from time to time by the General Assembly, with adjustments to:

(a) take account of contributions of Parties which are not members of the United Nations, as well as those of regional economic integration organizations that are Parties; and

(b) provide that no Party shall contribute less than 0.01 per cent of the total, that no one contribution shall exceed 25 per cent of the total, and that no contribution from a least developed country shall exceed 0.01 per cent of the total.

14. In respect of contributions made pursuant to subparagraph 12(a):

(a) contributions for each calender year shall be due on or before January 1 of that year; and

(b) each Party shall, as far in advance as possible of the date due for the contribution, inform the head of the Permanent Secretariat of the contribution it intends to make and of the projected timing of that contribution.

15. Contributions made pursuant to subparagraphs 12(b)and(c) shall be used in accordance with such terms and conditions, consistent with the objectives of the Convention, as may be agreed by the head of the Permanent Secretariat and the contributor. Contributions to the Trust Fund referred to in paragraph 9 shall, as appropriate, be placed in sub-accounts.

16. Contributions made pursuant to subparagraph 12(a) from States and regional economic integration organizations that become Parties to the Convention after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other Parties.

17. All contributions shall be paid in [an appropriate convertible currency] or its equivalent in a convertible currency into a bank account to be designated by the head of [the relevant institution] in consultation with the head of the Permanent Secretariat. The amount of any payment shall be equal, at least, to the amount payable in [an appropriate convertible currency] on the day the contribution is made.

18. The head of the Permanent Secretariat, or the head of [the relevant institution] shall acknowledge promptly all pledges and contributions and shall inform the Parties, once a year, of the status of pledges and payments of contributions.

19. Contributions not immediately required shall be invested prudently in appropriate financial instruments at the discretion of the head of [the relevant institution]. The resulting income shall be credited to the appropriate fund or funds referred to in paragraphs 7, 9 and 10.

Accounts and audit

20. The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external audit process of [the relevant institution].

21. During the second year of the financial period [the relevant institution] shall provide the Parties with an interim statement of accounts for the first year of the financial period. [The relevant institution] shall also, as soon as practicable, provide to the Parties a final audited statement of accounts for the full financial period.

Administrative support costs

22. The Conference of the Parties, under such terms as may from time to time be mutually agreed upon, shall reimburse the [relevant institution] from the funds referred to in paragraphs 7, 9 and 10, as the case may be. The reimbursement shall be made for the purposes of services rendered, including the administration of the relevant fund by the [relevant institution], to the Conference of the Parties, its subsidiary bodies and the Permanent Secretariat.

Amendments

23. Any amendment to the present rules shall be adopted by the Conference of the Parties by consensus.

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DESERTIFICATION, PARTICULARLY IN AFRICA
Seventh session
Nairobi, 7-18 August 1995
Agenda item 2

PROGRAMME AND BUDGET

Note by the Secretariat

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GE.95-61743

I. INTRODUCTION

1. At its sixth session, the INCD adopted a resolution on the organization and programme of work for the interim period (document A/AC.241/L.24). Paragraph 1 of that resolution gave Working Group I the responsibility to carry out preparatory work for the Conference of the Parties (COP) on the programme and budget. Paragraph 4 of the same resolution requested the Secretariat to prepare documentation on this subject for the seventh session of the INCD. This note responds to that request.

2. One of the functions of the COP, pursuant to article 22, subparagraph 2(g), of the Convention, is to approve a programme and budget for its activities, including those of its subsidiary bodies, and undertake necessary arrangements for their financing. Pursuant to article 22, subparagraph 2(e) of the Convention, the COP is also to adopt financial rules for itself and any subsidiary bodies. These rules, a draft of which appears in document A/AC.241/35, spell out in general terms the procedures for presenting and approving budget estimates. The present note should, therefore, be read in conjunction with that document.

3. The INCD has yet to take basic decisions regarding possible recommendations to the COP on Convention activities. It will not, therefore, be feasible for the Secretariat to present an actual programme and budget for adoption at the first session of the COP until a much later stage of the interim period. The purpose of this note is rather to provide background information on the subject so that the Committee can give appropriate guidance to the Secretariat.

4. The note first reviews the elements of a COP decision on the programme and budget. It then discusses the determination of a programme for COP sessions. A third section analyses some key issues arising in the presentation of the budget. Finally, the note provides some options for further consideration of this subject at the eighth session of the INCD.

5. In preparing this note, the Secretariat reviewed the programme and budget documents of other environmental conventions, including: the United Nations Framework Convention on Climate Change (Climate Change Convention), the Convention on Biological Diversity (Biodiversity Convention), the Convention on the Control of Transboundary Movements of Hazardous Wastes (Basel Convention), the Convention on International Trade in Endangered Species (CITES) and the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention). The Secretariat also consulted closely with knowledgeable staff members of these conventions.

6. The note assumes that the programme and budget will be incorporated in one decision document, as is the practice with many related environmental conventions, including most recently the Climate Change Convention. The first COP of the Convention on Biological Diversity, however, approved a separate document containing a medium term programme of work for its next three sessions. It would be relatively easy to accommodate this type of approach if the INCD wished to pursue it in the light of the provisions of article 22, paragraph 4 of the Convention.

7. A second assumption, the implications of which will obviously need to be reviewed later, is that the COP will adopt the financial rules in their present preliminary form.

II. ELEMENTS OF PROGRAMME AND BUDGET DECISION

8. The provisions of the Convention and the draft financial rules, as well as the practice of other environmental conventions, indicate that the Committee might wish to consider the following basic elements for a decision by the first session of the COP on the programme and budget:

(a) Approval of a programme of work for subsequent sessions of the COP;

(b) Adoption, pursuant to paragraph 4 of the financial rules, of the formal budget for the upcoming biennium based on the estimates which the head of the Secretariat presents pursuant to paragraph 3 of the rules, and covering expenditures financed from contributions according to the scale referred to in subparagraph 12(a) of the financial rules;

(c) Approval of the staffing table of the Permanent Secretariat for the biennium, showing the number of posts at each level;

(d) Determination, pursuant to paragraph 6 of the financial rules, of the limits up to which the head of the Permanent Secretariat may make transfers between the main appropriation lines of the budget;

(e) Determination, pursuant to paragraph 8 of the financial rules, of the size of the working capital reserve of the General Fund, set as a percentage of budget expenditures during the financial period;

(f) Determination of the scale for annual contributions by Parties referred to in subparagraph 12(a) of the financial rules; and

(g) Listing of any contributions anticipated, outside the scale, to offset budget expenditures, including contributions in kind and contributions of staff, which will likely be provided by the government hosting the Permanent Secretariat, governments hosting COP sessions, other governments, the organization/organizations providing administrative support to the Permanent Secretariat, the organization housing the Global Mechanism and other organizations.

9. In addition to these basic elements, the decision of the COP could note the timing for payment of annual contributions by Parties in accordance with paragraph 14(a) of the draft rules, and, if appropriate, request governments and organizations to make additional contributions offsetting budget expenditures. It could also ask the head of the Permanent Secretariat to report on income and budget performance at the following session and to propose any adjustments needed in the Convention budget.

III. PROGRAMME OF SUBSEQUENT COP SESSIONS

10. If it wishes to follow the precedent of the Convention on Biological Diversity, the INCD could recommend that the COP set a multi-year work programme for its subsequent sessions. This could initially be done for two years, that is, through the end of the financial period specified in paragraph 2 of the financial rules. It would also be possible to take a longer-term view.

11. One method of setting a multi-year work programme is to first designate standing agenda items, that is substantive matters the COP would take up at all its sessions. The following are some possible examples of standing items:

(a) Review of the implementation of the Convention, and of its institutional arrangements, pursuant to article 22, subparagraphs 2(a) and 2(b), and article 26 of the Convention;

(b) Review, pursuant to article 22, subparagraph 2(d) of the Convention, of the report of the Committee on Science and Technology, including its recommendations to the COP and its programme of work, and the provision of guidance to it;

(c) Review, pursuant to the same article, of the report of the Global Mechanism on its activities, and the provision of guidance to it;

(d) Review of information regarding the activities of the Global Environment Facility (GEF) concerning desertification that relate to its four focal areas, as specified in article 20, subparagraph 2(b) of the Convention; and

(e) Adoption or adjustment of the programme and budget.

12. Aside from standing agenda items, the substantive programme for COP sessions could comprise selected agenda items which the COP would review periodically. Below are some examples of possible items in this category:

(a) Specific scientific, technical and technological matters detailed in articles 16-18 and 24-25 of the Convention, which are listed in the annex to document A/AC.241/37;

(b) Cooperation in the areas of capacity building, education and public awareness detailed in article 19 of the Convention;

(c) Consideration of financial approaches and policies pursuant to article 21, paragraph 1, of the Convention, to the extent that is not done in providing guidance to the Global Mechanism;

(d) Promotion and strengthening of relationships with other conventions in accordance with article 8 and article 22, subparagraph 2(i) of the Convention;

(e) Consideration and adoption, pursuant to article 27 of the Convention, of procedures and mechanisms for resolution of questions that may arise with regard to implementation (if not accomplished at the first session of the COP); and

(f) Adoption, in accordance with article 28, subparagraph 2(a) of the Convention, of an annex containing arbitration procedures (if not accomplished at the first session of the COP).

IV. FORMAT OF BUDGET

A. Object-of-expenditure categories

13. The building blocks of convention budget presentations are usually object-of-expenditure categories. Most environmental conventions employ, with some variations, categories similar to those in the standard United Nations (UN) classification of objects of expenditure. At the highest level of classification, the following is a preliminary illustrative list of major categories that could be used as the basis for the Convention budget, as they appear in Sample Table 2:

(a) Conference services, including expenditures for premises, equipment rental, interpretation, translation, document processing, registration of delegates, hospitality, temporary assistance and other conference services connected with meetings of the COP and its subsidiary bodies;

(b) Staff costs, including the total of the salaries, differentials, allowances and entitlements of the staff of the Permanent Secretariat and any general temporary assistance staff integrated in its operations;

(c) Consultants, experts and contractual services, including the fees and travel expenses of consultants, of personal service and institutional contractors and of experts participating in ad hoc panels pursuant to article 24, paragraphs 2 and 3 of the Convention, as well as payments to outside entities for training of Permanent Secretariat staff, for translations, for the production and distribution of publications and other public affairs materials, and for data processing services;

(d) Official travel of staff, including the travel expenses of members of the Permanent Secretariat to United Nations headquarters, to sessions of the COP and its subsidiary bodies, to other intergovernmental meetings, to relevant seminars, workshops and conferences and to consultations with governments and other secretariats;

(e) Travel of participants, including the travel expenses of eligible delegates of developing countries to COP sessions;

(e) Administrative expenses, including expenditures for rental and maintenance of premises; utilities; purchase, rental and maintenance of furniture and equipment; communications, supplies and materials; and

(f) Programme support charges, that is payments for services rendered by the organization or organizations providing administrative support to the Permanent Secretariat, often expressed as a percentage of expenditures against funds administered for the COP by the organizations.

14. This preliminary list adapts the UN system to take account of the likely size of the Convention budget, as well as of activities that might be involved in implementing the Convention. The major adaptations involve combining related

categories, consolidating conference service expenditures connected with meetings of the COP and its subsidiary bodies and adding a category for payments of charges to organizations providing administrative support to the Permanent Secretariat.

B. Programme categories

15. The budgets of many environmental conventions utilize only object-of-expenditure categories. Recently, however, there has been a trend to overlay them with programme categories, as is done in the cases of the Framework Convention on Climate Change and the Convention on Biological Diversity. This has the advantage of clearly showing the relationship between expenditures and programme activities.

16. In the case of the Permanent Secretariat, budget figures in programme categories might often, however, be harder to estimate than those showing objects of expenditure. It is hard, for example, to foresee exactly how staff time will be allocated among programme activities, some of which might be subject to workload surges. It is also difficult in practice to attribute administrative overhead expenses accurately to the programme activities of secretariat offices, so it is desirable to create a separate programme category for administrative support.

17. Assuming that the advantages of using programme categories outweigh the disadvantages, budget categories, at the highest level of classification, would be defined as the main appropriation lines which the COP would approve. The following is a preliminary and tentative list of programme categories which might be used in this way, as they appear in Sample Table 1 in the Annex:

(a) Policy making organs, including all expenditures directly connected with holding meetings of the COP and the Committee on Science and Technology, particularly conference services, travel of eligible representatives of developing countries and travel of staff members of the Permanent Secretariat when sessions are held away from its site;

(b) Executive direction and management, including the staff costs and travel expenses (when not directly attributable to another programme) of the head of the Permanent Secretariat, of personnel in his or her immediate office and of other staff members with overall management and administrative responsibilities;

(c) Review of implementation, including expenditures for staff, travel, consultants, experts and contractual services authorized to support the communication of information by Parties and the review of such information by the COP, including assistance with developing country communications in accordance with article 23, subparagraph 2(c) and article 26, paragraph 7, of the Convention;

(d) Document preparation and legal support, including expenditures on staff costs, travel and consultants involved in drafting documents for COP sessions, except those in the areas of review of implementation and science and technology, and in providing legal advice;

(e) Science and technology, including expenditures for staff costs and travel of members of the Permanent Secretariat preparing documents for, and otherwise supporting, the activities of the Committee on Science and Technology, except expenditures covered in subparagraph (a), as well as the costs of any consultants required, and all the expenditures connected with the establishment and maintenance of a roster of experts and with the work of ad hoc panels appointed by the COP in accordance with article 24, subparagraphs 2 and 3, of the Convention;

(f) Facilitation of implementation, including:

(i) any expenditures for the Global Mechanism that are charged to the Convention budget; and

(ii) expenditures for staff costs, travel, consultants and contractual services connected to the public information, external relations, coordination and other facilitation activities of the Permanent Secretariat, with governments, other convention secretariats, intergovernmental organizations and non-governmental organizations, including the facilitation of consultative processes in accordance with article 18, paragraph 4, of the regional implementation annex for Africa, article 8, paragraph 3, of the Asian annex and article 7, paragraph 2, of the Latin American and Caribbean annex, as well as any appropriate facilitative activities in support of the regional implementation annex for the Northern Mediterranean; and

(g) Administrative support, including the administrative expenses detailed in subparagraph 13(e) above and the programme support charges outlined in paragraph 13(f) of this note.

C. Summary tables

18. Under the scenario tentatively outlined in the paragraphs above, and assuming that the first Convention budget covers the biennium 1998-1999, the total budget would be based on the first column of sample Table 1 in the annex. The budget which the COP formally adopts would derive from the first column of that table. For information purposes, the budget estimates would also contain a summary of estimates by object of expenditure, similar to that in sample Table 2 of the annex, and a summary of staff requirements like that in sample Table 3. The final versions of all summary tables, as well as other parts of the budget estimates, would obviously have to be adjusted to reflect guidance received from the INCD in its coming sessions.

19. As indicated in paragraph 3 of the draft financial rules, budget figures would appear in an appropriate convertible currency with comparable indicative figures in United States dollars. Staff requirements would be expressed in person years according to UN position grades. All the tables would distinguish sources of financing among the three funds to be established pursuant to paragraphs 7, 9 and 10 of the draft financial rules.

D. Supporting materials

20. The budget presentation, following the precedent of the Climate Change Convention, could support the estimates of expenditures and contributions with the following materials:

(a) Tables showing the breakdown of expenditures for each programme category by object of expenditures;

(b) Tables showing the person years of staff requirements for each programme category by level of post;

(c) Narrative sections outlining activities in each programme category and giving details about expenditures and staff requirements, including breakdowns of high-level object-of-expenditure categories into subcategories;

(d) Narrative sections explaining the estimation of contributions that reduce budget expenditures and the operation of the working capital reserve; and

(d) Narrative sections giving details about the functions of the Permanent Secretariat staff post by post.

21. In accordance with subparagraph 12(a) of the draft financial rules, an appendix to the budget would show the percentage scale of contributions and translate that scale into the absolute value of contributions required from each Party.

V. OPTIONS FOR FURTHER CONSIDERATION

22. On the basis of discussion during the seventh INCD session, the Secretariat could present revised sample tables at the eighth session and indicate other adjustments that would be needed in the presentation of the programme and budget. The Secretariat could also provide further analysis on any issues for which the Committee needed additional background.

ANNEX
Sample Tables

Sample Table 1
Summary of 1998-1999 Requirements by Programme
(Thousands of appropriate currency or US$)

	General Fund		Trust Fund		Special Fund	
	1998	1999	1998	1999	1998	1999
I. EXPENDITURES						
A. Policy-making organs						
B. Executive direction and management						
C. Review of implementation						
D. Document preparation and legal support						
E. Science and technology						
F. Facilitation of implementation						
G. Administrative support						
1. Administrative expenses						
2. Programme support charges						
H. Total Expenditures						
II. CONSTITUTION OF WORKING CAPITAL RESERVE						
III. OFFSETTING CONTRIBUTIONS						
A. Contributions from host Government						
B. Contributions from other governments						
C. Contributions from organizations						
IV. CONTRIBUTIONS NEEDED (I + II - III)						

Sample Table 2
Summary of 1998-1999 Requirements by Object of Expenditure
(Thousands of appropriate currency or US$)

Object of Expenditure	General Fund		Trust Fund		Special Fund	
	1998	1999	1998	1999	1998	1999
Conference services						
Staff costs						
Consultants, experts and contractual services						
Official travel of staff						
Travel of participants						
Administrative expenses						
Programme support charges						
Total Expenditures						

Sample Table 3
Summary of 1998-1999 Staff Requirements
(Person years)

	General Fund		Trust Fund		Special Fund	
	1998	1999	1998	1999	1998	1999
I. Professional category requirements						
D2						
D1						
P5						
P4						
P3						
P2						
Total professional requirements						
II. General services category requirements						
III. Total staff requirements (I + II)						

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ORGANIZATION OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION

Note by the Secretariat

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I. Introduction

1. In its resolution entitled "Work Programme for the Interim Period" adopted at its sixth session (document A/AC.241/L.24), the INCD decided to allocate to Working Group II the responsibility to carry out the preparatory work for the Conference of the Parties (COP) on the following agenda item:

"Organization of scientific and technological cooperation, in particular the terms of reference of the Committee on Science and Technology, the establishment and maintenance of a roster of independent experts, and the terms of reference and modalities of work of any ad hoc panels that the Conference of the Parties may decide to appoint."

In the same resolution, the INCD further requested the Secretariat to prepare a document on this question with a view to facilitating the deliberations of the Committee at the seventh session.

2. The present document was prepared by the Secretariat in response to this request. It examines briefly the main issues arising with respect to the organization of scientific and technological cooperation. These flow mainly from article 24 of the Convention, in the context of articles 16, 17, 18 and 25. While references are made to possible options in several instances, this is done for the sole purpose of facilitating consideration of these questions.

3. At the sixth session of the INCD, the Chairman announced his intention to make preliminary proposals on the issues related to scientific and technological cooperation, early in the seventh session.

II. Terms of reference of the Committee on Science and Technology

4. Article 24, paragraph 1 of the Convention provides that "A Committee on Science and Technology is hereby established as a subsidiary body of the Conference of the Parties...". To give effect to this provision, the same article further stipulates that the Conference of the Parties shall decide, at its first session, on the terms of reference of the Committee.

5. In order to meet the requirements of article 24, it would appear necessary to initiate drafting of the terms of reference during the interim period with a view to the submission of a final draft to the COP for approval at its first session.

6. The terms of reference of the Committee on Science and Technology might include provisions relating to:

a) the mandate of the Committee on Science and Technology;

b) the nature and timing of its report to the Conference of the Parties; and

c) the modalities for operating the ad hoc panels and the roster of experts from which they will be constituted.

7. At the seventh session of the INCD, Working Group II is expected to consider how to proceed with the preparation, during the interim period, of draft terms of reference for submission to the first session of the COP and give the Secretariat appropriate guidance in this regard.

III. First meeting of the Committee on Science and Technology: Timing and Agenda

8. Article 24, paragraph 1 of the Convention provides that the Committee on Science and Technology *"shall meet in conjunction with the ordinary sessions of the Conference of the Parties..."*.

9. During the first session of the Conference of the Parties, the Committee on Science and Technology could discuss its programme of work and initiate substantive discussions of selected priority issues. To this end, INCD members could be invited to communicate to the Secretariat their proposals with respect to appropriate agenda items for the first meeting of the Committee. Working Group II would consider these various proposals during the interim period. Adequate background material could be prepared in advance by the Secretariat drawing on outside expertise, including consultants and competent United Nations agencies.

IV. Areas of scientific and technological cooperation

10. Several provisions of the Convention contain indications or guidance with respect to specific areas of cooperation in science and technology. The annex to the present document provides an indicative list of such areas of cooperation together with a reference to the relevant articles. For ease of reference, the issues are presented in a summary form. While no reference is made to the regional implementation annexes in the annex to the present document, it should be borne in mind that, in some cases, they provide details on how cooperation in the relevant fields should be carried out.

V. The Roster of Independent experts

11. Article 24, paragraph 2 of the Convention provides that the COP *"shall establish and maintain a roster of independent experts with expertise and experience in the relevant fields"*. It further provides that *"the roster shall be based on nominations received in writing from the Parties, taking into account the need for a multidisciplinary approach and broad geographical representation"*.

12. During the interim period, Working Group II may wish to consider how the roster could be established, for subsequent formal consideration by the Conference of the Parties. A key consideration would be the type of expertise that might be considered as relevant for a timely and effective implementation of activities envisaged under the Convention.

VI. Ad Hoc Panels

13. Article 24, paragraph 3 of the Convention provides that the Conference of the Parties *"may, as necessary, appoint ad hoc panels to provide it, through the Committee, with information and advice on specific issues regarding the state of*

the art in fields of science and technology relevant to combating desertification and mitigating the effects of drought. These panels shall be composed of experts whose names are taken from the roster, taking into account the need for a multidisciplinary approach and broad geographical representation. These experts shall have scientific backgrounds and field experience and shall be appointed by the Conference of the Parties on the recommendation of the Committee. The Conference of the Parties shall decide on the terms of reference and the modalities of work of these panels."

14. Based on the above paragraph, the Conference of the Parties has the ability to establish *ad hoc* panels "as necessary". With respect to the terms of reference, the Conference of the Parties, on the recommendation of the Committee on Science and Technology, could adopt a set of guidelines applicable to any panel that may be established. Such guidelines could include:

- the number of members on a panel;
- the duration and number of meetings; and
- the method of reporting to the COP.

15. However, whether or not the Conference of the Parties adopts such overall guidelines, the last sentence of article 24, paragraph 3 would seem to envisage specific terms of reference for each panel, depending on the subject matter to be addressed. This is necessary to tailor the composition, duration, mandate and other characteristics of any panel to the requirements of the substantive issue to be examined.

ANNEX

SUMMARY OF KEY AREAS OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION IN THE CONVENTION

Collection, analysis and exchange of information

- Coordination of collection, analysis and exchange of relevant data/information (Article 16)
- Establishment and strengthening of local, national, subregional and regional early warning systems for periods of adverse climatic variation, in a form suitable for use by users at all levels (Articles 16 and 10(2)(d))
- Strengthening of the global network of institutions and facilities through *inter alia* the use of compatible standards and the linkage of national, subregional and regional centres more closely with global information sources (Article 16 (a))
- Development of integrated sets of indicators to evaluate the implementation of the Convention, including action programmes (Article 16 (c))
- Exchange of information on local and traditional knowledge (Article 16 (g))

Research

- Promotion of joint research programmes between national, subregional, regional and international research organizations (Article 17 (f))
- Establishment of research priorities in action programmes at all levels and the periodic review of research priorities by COP on advice of Committee on Science and Technology (Article 17 (2))

Technology

- Promotion, financing and/or facilitation of financing of technology transfer, acquisition, adaptation and development (Article 18)
- Full utilization of existing information systems and clearing houses at all levels for the dissemination of information on available technologies (Article 18 (1) (a))
- Facilitation of technology cooperation among affected country Parties (Article 18 (1) (c))
- Extension of technology cooperation with affected developing countries, including through joint ventures, especially to foster alternative livelihoods (Article 18 (1) (d))

- Preparation of inventories of traditional and local technology, knowledge, know-how and practices and support of the dissemination of such technologies (Article 18 (2))

Networking

- Survey and evaluation by Committee on Science and Technology of relevant existing networks, institutions, agencies and bodies willing to become units of a network to support implementation of the Convention (Article 25 (1))

- Recommendation by COP of elements of network to implement the Convention, as well as its operational modalities and time frame (Article 25 (3))

Capacity Building

- Enhancement of national climatological, meteorological and hydrological capabilities (Article 10 (d))

- Development and strengthening of national, subregional and regional research capabilities in affected developing countries, giving particular attention to multidisciplinary and participative socio-economic research (Article 17 (d))

- Strengthening of capacity of affected developing countries in collecting, analyzing and exchanging information (Article 19 (1) (g))

- Training of decision makers, managers and personnel responsible for drought early warning information (Article 19 (1) (i))

- Establishment/strengthening of networks of regional education and training centres, to be coordinated by an institution designated for that purpose (Article 19 (4))

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DRAFT RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES

Note by the Secretariat

1. In paragraph 1 of its resolution entitled "Work Programme for the Interim Period", adopted at the sixth session (document A/AC.241/L.24), the INCD decided to allocate to Working Group II the question of the rules of procedure of the Conference of the Parties. In paragraph 4 of the same resolution, the Committee further requested the Secretariat to prepare draft rules of procedure with a view to facilitating the deliberations of the Committee at the seventh session. The present document was prepared by the Secretariat in response to the Committee's request.

2. This item flows from Article 22, paragraphs 2 (e) and 3 of the Convention, which provide that the Conference of the Parties shall adopt rules of procedure for itself and for its subsidiary bodies, by consensus, at its first session.

3. In preparing the attached draft rules of procedure, the Secretariat drew largely on precedents, particularly those of other conventions relating to sustainable development. It was felt that reference to precedents was most appropriate in the present circumstances in view of the large similarities that exist in the conduct of meetings of international bodies, irrespective of the subject-matter. This consideration becomes even more relevant in the case of related conventions. Thus, chief among the precedents examined by the Secretariat are the rules currently under discussion in the context of the Framework Convention on Climate Change and the Convention on Biological Diversity, as well

as the INCD rules of procedure. The rules of procedure applicable to the governing bodies of other environmental conventions were also examined, such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (the RAMSAR Convention), and the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), as well as the rules of procedure of the United Nations General Assembly.

4. While precedents were most useful in preparing the draft rules of procedure, there was also a need to ensure they are adapted to reflect the specificities of the Convention to Combat Desertification. In addition, resorting to precedents should not preclude the possibility of improving such precedents. For this reason, while delegates will find many similarities between the attached set of rules and the precedents mentioned above, differences will also be found.

5. Delegates will find that a certain number of proposed rules of procedure are taken directly from the Convention. This is the case, in particular, for rules 4, 6, 7, 22, 27 and 37 or portions thereof. While there was no requirement to repeat any of the provisions of the Convention, it was felt that this approach would ensure that the rules of procedure are comprehensive and can be readily understood, to the extent possible, without consulting the Convention.

6. Finally, while this has not been the practice of other conventions, titles were introduced to facilitate the prompt location of, and reference to, particular rules.

7. It is with these considerations in mind that the Secretariat attempted to arrive at a draft set of rules likely to ensure a smooth and efficient functioning of the Conference of the Parties and its subsidiary bodies.

UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

DRAFT RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES

I. INTRODUCTION

Scope

Rule 1

These rules of procedure shall apply to any session of the Conference of the Parties to the Convention convened in accordance with article 22 of the Convention.

Definitions

Rule 2

For the purposes of these rules:

(a) "Convention" means the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, adopted at Paris, on 17 June 1994;

(b) "Parties" means Parties to the Convention;

(c) "Conference of the Parties" means the Conference of the Parties established by article 22 of the Convention;

(d) "Session" means any ordinary or extraordinary session of the Conference of the Parties convened in accordance with article 22 of the Convention;

(e) "Regional economic integration organization" means an organization defined in article 1, paragraph (j) of the Convention;

(f) "President" means the President of the Conference of the Parties elected in accordance with rule 22, paragraph 1;

(g) "Permanent Secretariat" means the Permanent Secretariat designated by the Conference of the Parties in accordance with article 23, paragraph 3 of the Convention;

(h) "Subsidiary body" means the Committee on Science and Technology established pursuant to article 24 of the Convention and any ad hoc panel established pursuant to that Article, as well as any body, including committees and working groups, established pursuant to article 22, paragraph 2 (c) of the Convention.

II. SESSIONS

Place of sessions

Rule 3

The sessions of the Conference of the Parties shall take place at the seat of the Permanent Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Permanent Secretariat in consultation with the Parties.

Dates of sessions

Rule 4

1. Unless otherwise decided by the Conference of the Parties, the second, third and fourth ordinary sessions of the Conference of the Parties shall be held yearly, and thereafter, ordinary sessions shall be held every two years.

2. At each ordinary session, the Conference of the Parties shall decide on the date and duration of the next ordinary session. The Conference of the Parties should endeavour not to hold such sessions at a time which would make the attendance of a significant number of delegations difficult.

3. Extraordinary sessions of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties in ordinary session or at the written request of any Party, provided that, within three months of the request being communicated to the Parties by the Permanent Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary session held at the written request of a Party, it shall be held not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3.

Notification of sessions

Rule 5

The Permanent Secretariat shall notify all Parties of the dates and venue of a session at least two months before the session is due to commence.

III. OBSERVERS

Participation of United Nations and specialized agencies

Rule 6

1. The United Nations, its specialized agencies, any State member thereof or observers thereto not Party to the Convention, as well as the organization housing the Global Mechanism pursuant to article 21, paragraph (5) of the Convention, may be represented at sessions of the Conference of the Parties as observers.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any session, unless at least one third of the Parties present at the session object.

Participation of other bodies or agencies

Rule 7

1. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Permanent Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer may be so admitted unless at least one third of the Parties present at the session object.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any session in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the session object.

Notification by Secretariat

Rule 8

The Permanent Secretariat shall notify those entitled to be observers pursuant to rules 6 and 7 of the date and venue of any session scheduled by the Conference of the Parties so that they may be represented by observers.

IV. AGENDA

Preparation of provisional agenda

Rule 9

In agreement with the President, the Permanent Secretariat shall prepare the provisional agenda of each session.

Items on provisional agenda

Rule 10

The provisional agenda for each ordinary session shall include, as appropriate:

(a) Items arising from the articles of the Convention, including those specified in its article 22;

(b) Items the inclusion of which has been decided at a previous session;

(c) Items referred to in rule 16 of the present rules of procedure;

(d) The proposed budget as well as all questions pertaining to the accounts and financial arrangements;

(e) Any item proposed by a Party and received by the Permanent Secretariat before the provisional agenda is circulated.

Distribution of provisional agenda

Rule 11

For each ordinary session, the provisional agenda, together with supporting documents, shall be distributed in the official languages by the Permanent Secretariat to the Parties at least six weeks before the opening of the session.

Supplementary items

Rule 12

The Permanent Secretariat shall, in agreement with the President, include any item which is proposed by a Party and has been received by the Permanent Secretariat after the provisional agenda has been produced, but before the opening of the session, in a supplementary provisional agenda.

Addition, deletion, deferment or amendment of items

Rule 13

When adopting the agenda, the Conference of the Parties may decide to add, delete, defer or amend items. Only items which are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Provisional agenda of extraordinary session

Rule 14

The provisional agenda for an extraordinary session shall consist only of those items proposed for consideration in the request for the holding of the extraordinary session. It shall be distributed to the Parties at the same time as the invitation to the extraordinary session.

Report on administrative and budgetary implications

Rule 15

The Permanent Secretariat shall report to the Conference of the Parties on the administrative and budgetary implications of all substantive agenda items submitted to the session, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received the report of the Permanent Secretariat on the administrative and budgetary implications.

Incomplete consideration of item

Rule 16

Any item of the agenda of an ordinary session, consideration of which has not been completed at the session, shall be included automatically in the agenda of the next ordinary session, unless otherwise decided by the Conference of the Parties.

V. REPRESENTATION AND CREDENTIALS

Composition of delegation

Rule 17

Each Party participating in a session shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Alternates and advisors

Rule 18

An alternate representative or an advisor may act as a representative upon designation by the head of delegation.

Submission of credentials

Rule 19

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the Permanent Secretariat if possible not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the Permanent Secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Examination of credentials

Rule 20

The Bureau of any session shall examine the credentials and submit its report to the Conference of the Parties for decision.

Provisional participation

Rule 21

Representatives shall be entitled to participate provisionally in the session, pending a decision by the Conference of the Parties to accept their credentials.

VI. OFFICERS

Election of officers

Rule 22

1. At the commencement of the first meeting of each ordinary session, a President, three Vice-Presidents and the Chairman of the Committee on Science and Technology shall be elected from among the representatives of the Parties present at the session. They shall serve as the Bureau of the session. One of the Vice-Presidents shall act as Rapporteur. In appointing the Bureau, due regard shall be paid to the need to ensure equitable geographical distribution and adequate representation of affected country Parties, particularly those in Africa. The offices of President and Rapporteur shall normally be subject to rotation among the regional groups recognized by the practice of the United Nations.

2. The officers referred to in paragraph 1 shall remain in office until their successors are elected at the next ordinary session and shall serve in that capacity at any intervening extraordinary sessions. No officer may serve on the Bureau for more than two consecutive terms.

3. The President shall participate in the session in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the session and to exercise the right to vote.

Powers of the President

Rule 23

1. In addition to exercising the powers conferred upon the President elsewhere by these rules, the President shall declare the opening and closing of the session, preside at the meetings of the session, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat.

2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

Acting President

Rule 24

1. The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.

2. A Vice-President acting as President shall have the powers and duties of the President.

Replacement of an officer

Rule 25

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's mandate.

Temporary President

Rule 26

At the first meeting of each ordinary session, the President of the previous ordinary session, or in the absence of the President, a Vice-President, shall preside until the Conference of the Parties has elected a President for the session.

VII. SUBSIDIARY BODIES

Application of rules to subsidiary bodies

Rule 27

The present rules shall apply *mutatis mutandis* to the proceedings of any subsidiary bodies.

Establishment of subsidiary bodies

Rule 28

The Conference of the Parties may establish such subsidiary bodies as are deemed necessary for the implementation of the Convention.

Quorum for non open-ended subsidiary bodies

Rule 29

In the case of a subsidiary body that is not open-ended, a majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

Dates of meetings

Rule 30

The Committee on Science and Technology shall meet in conjunction with the ordinary sessions of the Conference of the Parties. Meetings of any other subsidiary bodies shall be held in conjunction with the sessions of the Conference of the Parties, unless the Conference of the Parties decides otherwise.

Election of officers

Rule 31

Unless the Conference of the Parties decides otherwise, the Chairman of any subsidiary body shall be elected by the Conference of the Parties. Each subsidiary body shall elect its own Vice-Chairmen, one of which shall act as

Rapporteur. The Chairmen and Vice-Chairmen of such subsidiary bodies shall be elected with due regard to the need to ensure equitable geographical distribution and adequate representation of affected country Parties, particularly those in Africa, and shall not serve for more than two consecutive terms.

Matters for consideration

Rule 32

Subject to article 24 of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and may authorize the President, upon the request of the Chairman of a subsidiary body, to adjust the allocation of work.

VIII. PERMANENT SECRETARIAT

Duties of head of Secretariat

Rule 33

1. The head of the Permanent Secretariat, or the representative of the head of the Permanent Secretariat, shall exercise the functions of that office in all sessions of the Conference of the Parties and of its subsidiary bodies.

2. The head of the Permanent Secretariat shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The head of the Permanent Secretariat shall manage and direct such staff and services and provide appropriate support and advice to the presiding and other officers of the Conference of the Parties and of its subsidiary bodies.

Functions of Secretariat

Rule 34

In addition to the functions specified in article 23 of the Convention, the Permanent Secretariat shall in accordance with the present rules:

(a) Arrange for interpretation at the session;

(b) Receive, translate, reproduce and distribute the documents of the session;

(c) Publish and distribute the official documents of the session;

(d) Make, and arrange for keeping of, sound recordings of the session;

(e) Arrange for the custody and preservation of the documents of the session; and

(f) Perform all other work that the Conference of the Parties may require.

IX. CONDUCT OF BUSINESS

Meetings held in public

Rule 35

Meetings of the Conference of the Parties and its subsidiary bodies shall be held in public, unless the Conference of the Parties decides otherwise.

Quorum

Rule 36

The President shall not declare a meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present. The presence of two thirds of the Parties to the Convention shall be required for any decision to be taken.

Procedures for speaking

Rule 37

1. No one may speak at a meeting of the Conference of the Parties without having previously obtained the permission of the President. Subject to rules 38, 39, 40 and 43, the President shall call upon speakers in the order in which they signify their desire to speak. The Permanent Secretariat shall maintain a list of speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Precedence

Rule 38

The Chairman or Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

Points of order

Rule 39

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Decisions on competence

Rule 40

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote taken on the proposal or amendment in question.

Proposals and amendments to proposals

Rule 41

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties and handed to the Permanent Secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though these amendments or motions have not been circulated or have been circulated only the same day.

Communication of proposed amendment to Convention

Rule 42

The text of any proposed amendment or additional annex to the Convention and of any proposed amendment to an annex, shall be communicated to the Parties by the Permanent Secretariat at least six months before the session at which it is proposed for adoption.

Order of procedural motions

Rule 43

1. Subject to rule 39, the following motions shall have precedence in the order indicated below over all other proposals or motions:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within paragraph 1 (a) to (d) shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Withdrawal of proposals or motions

Rule 44

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

Reconsideration of proposals

Rule 45

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover, to one speaker in favour of, and two against, the proposal, after which it shall be put immediately to the vote.

X. VOTING

Voting rights

Rule 46

1. Each Party shall have one vote, except as provided for in paragraph 2.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Majority required

Rule 47

1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by

(a) the Convention,

(b) the financial rules referred to in article 22, paragraph 2 (e) of the Convention, or

(c) the present rules of procedure.

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.

3. If the question arises as to whether a matter is one of a procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If, on matters other than elections, a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

Meaning of "Parties present and voting"

Rule 48

For the purposes of rule 47, the phrase "Parties present and voting" means Parties present at the meeting at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

Order of voting on proposals

Rule 49

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

Division of proposals and amendments

Rule 50

1. Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote.

2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal which are approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Amendment to a proposal

Rule 51

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Order of voting on amendments to a proposal

Rule 52

If two or more amendments are moved to a proposal, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Method of voting

Rule 53

1. Voting, except for elections, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the session, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

2. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call.

3. The vote of each Party participating in a roll-call or recorded vote shall be included in the relevant documents of the session.

Conduct during voting

Rule 54

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his vote on his own proposal or amendment, except if it has been amended.

XI. ELECTIONS

Method of voting for elections

Rule 55

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Absence of majority

Rule 56

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1.

Election to two or more elective places

Rule 57

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XII. LANGUAGES AND SOUND RECORDS

Official languages

Rule 58

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

Interpretation

Rule 59

1. Statements made in an official language shall be interpreted into the other official languages.

2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one such official language.

Languages of official documents

Rule 60

Official documents of the sessions shall be drawn up in one of the official languages and translated into the other official languages.

Sound records of sessions

Rule 61

Sound records of the sessions of the Conference of the Parties, and whenever possible of the subsidiary bodies, shall be kept by the Permanent Secretariat, consistent with the practice of the United Nations.

XIII. AMENDMENTS TO RULES OF PROCEDURE AND STATUS

Amendments

Rule 62

The present rules of procedure may be amended by consensus by the Conference of the Parties.

Italicized headings

Rule 63

The italicized headings of the present rules are for reference purposes only. They shall be disregarded in the interpretation of the rules.

Precedence of Convention

Rule 64

In the event of any conflict between the present rules and the provisions of the Convention, the latter shall prevail.